

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RYAN MATTHEW LAWRENCE,

Plaintiff,

v.

No. 1:19-cv-00897-MV/LF

UNITED STATES,

Defendant.

MEMORANDUM OPINION AND ORDER OF DISMISSAL


THIS MATTER comes before the Court on Plaintiff's response to the Court's Memorandum Opinion and Order, Doc. 5, 2019.

Plaintiff's original Complaint asserted a tort claim against Defendant VA Hospital pursuant to the Federal Tort Claims Act. *See* Doc. 1, filed September 26, 2019. The Court dismissed the Complaint for lack of subject matter jurisdiction because "[t]he United States is the only proper defendant in a federal tort claims action" and Plaintiff had not named the United States. *See* Mem. Op. and Order at 2, Doc. 5, filed October 2, 2019. The Court granted Plaintiff leave to file an amended complaint naming the proper party. Plaintiff filed an Amended Complaint naming the United States as Defendant. *See* Doc.6, filed October 23, 2019.

Plaintiff also filed an Application to Proceed in District Court Without Prepaying Fees or Costs. *See* Doc. 2, filed September 26, 2019. The Court denied Plaintiff's Application to proceed *in forma pauperis* because it appeared that Plaintiff, according to his own accounting, has sufficient income and savings to pay the filing fee and service costs. Doc. 5 at 3. The Court ordered Plaintiff to "either pay the filing fee or show cause why the Court should not dismiss this case for failure to pay the filing fee." Doc. 5 at 4. The Court also notified Plaintiff that "[f]ailure to timely pay the filing fee or to show cause may result in dismissal of this case." Doc. 5 at 4

(granting Plaintiff 45 days, until November 16, 2019, to pay the filing fee or show cause). Because Plaintiff has not paid the filing fee and has not filed a response showing cause why the Court should not dismiss this case for failure to pay the filing fee, the Court will dismiss this case.

IT IS ORDERED that this case is **DISMISSED** without prejudice.



MARTHA VAZQUEZ
UNITED STATES DISTRICT JUDGE